



## **SYDNEY CENTRAL CITY PLANNING PANEL**

### **COUNCIL ASSESSMENT REPORT**

<b>Panel Reference</b>	2018SWC016
<b>DA Number</b>	DA/1025/2017
<b>LGA</b>	City of Parramatta Council
<b>Proposed Development</b>	Construction of 3 x 7-9 storey residential flat buildings containing 234 residential apartments, 3 basement levels providing 274 car parking spaces, earthworks, landscaping, public domain works including new road, strata subdivision and Torrens title subdivision. The proposal constitutes stage 2 of concept plan approval DA/1157/2016.
<b>Street Address</b>	659 Victoria Road, MELROSE PARK NSW (Lot 11 DP128907)
<b>Applicant</b>	M Projects Pty Ltd (on behalf of PAYCE)
<b>Owner</b>	Tyriel Developments Pty Ltd
<b>Date of DA lodgement</b>	13 December 2017
<b>Number of Submissions</b>	One (1)
<b>Recommendation</b>	Deferred Commencement Consent
<b>Regional Development Criteria (Schedule 4A of the EP&amp;A Act)</b>	Pursuant to Clause 3 of Schedule 4A of the Environmental Planning and Assessment Act 1979 (at the time of lodgement), the development has a capital investment value of more than \$20 million.
<b>List of all relevant s4.15(1)(a) matters</b>	<ul style="list-style-type: none"><li>• SEPP (Infrastructure) 2007</li><li>• SEPP No. 55 – Remediation of Land</li><li>• SEPP (Building Sustainability Index: BASIX)</li><li>• SEPP No. 65 – Design Quality of Residential Apartment Development &amp; Apartment Design Guide</li><li>• SEPP (Sydney Harbour Catchment) 2005</li><li>• Parramatta Local Environmental Plan 2011</li><li>• Parramatta Development Control Plan 2011</li></ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	Attachment 1 – Architectural Drawings Attachment 2 – Landscape Drawings Attachment 3 – Summary Civil Drawings Attachment 4 – Subdivision Plan Attachment 5 – Clause 4.6 Variation Request (Height) Attachment 6 – DA/1157/2016/A Determination Notice (draft) Attachment 7 – DA/1157/2016/A Concept Plan (as modified)
<b>Report prepared by</b>	Alex McDougall Executive Planner, City Significant Development
<b>Report date</b>	31 August 2018

### Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

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### Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**

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### Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Yes**

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### Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (s7.24)? **No**

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### Conditions

Have draft conditions been provided to the applicant for comment? **Yes**

## 1. Executive Summary

The proposal provides for construction of 3 x 7-9 storey residential flat buildings comprising 234 residential units above a shared 3 storey basement.

The proposed buildings generally follow the form for the site envisaged by the approved Concept Plan, Parramatta LEP 2011 and Parramatta DCP 2011 and is generally consistent with the requirements of the relevant State Planning Policies and Apartment Design Guide and as such is considered to provide a high standard of accommodation for future occupants.

The site constraints include Aboriginal heritage, contamination and overland flow flooding. However, it is considered that sufficient evidence has been provided that these risks can be managed appropriately.

The amenity impacts on adjoining and nearby properties are considered to be reasonable based on the high-density character envisaged for the area. It is considered that the proposed increase in traffic would not compromise the efficient function of the local road network.

The proposed upgrades to the public domain are considered to be appropriate given the scale of the development.

Deferred commencement conditions are included requiring further details of overland flow stormwater strategy and requiring that operational consent be obtained for a road which the subject development relies on.

The application has been assessed relative to section 4.15 of the Environmental Planning and Assessment Act 1979, taking into consideration all relevant State and local planning controls. On balance, the proposal has demonstrated a satisfactory response to the objectives and controls of the applicable planning framework. Accordingly, deferred commencement consent is recommended.

## 2. Key Issues

### *Apartment Design Guide*

- **3D Communal and Public Open Space** – Insufficient resident amenity. A condition is included requiring a play space at ground level communal open space and a WC at roof level communal open space.
- **3F Building Separation / Privacy** – Internal corner studio units have limited separation and outlook. Condition included requiring amalgamation with adjoining units to increase amenity.
- **3G Pedestrian Access and Entries** – Lift lobby 4 does not have direct street address. Entry pavilion at street frontage considered to be acceptable but not ideal.

### *Parramatta Local Environmental Plan 2011*

- **6.2 Earthworks** – A large amount of fill is proposed. The applicant has provided sufficient evidence that the amount of fill has been minimised and is appropriate.
- **6.3 Flood Planning** – The site is subject to overland flow flooding. The proposal contributes to additional overland flow flooding. A stormwater basin is proposed on the site to the south as part of a separate application. Council's engineers consider this basin would appropriately manage overland flows. As such a deferred commencement condition is included requiring the neighbouring application be approved prior to operational consent.

- **3.4.5 Dwelling Mix** – Deficiency in 3-bed units. The recommended condition above, relating to outlook, would resolve this issue.
- **3.6.2 Parking** – Under-provision of car parking and bicycle parking. The lack of car parking is considered to be acceptable given access to public transport. The deficiency in bicycle parking is resolved by way of condition.
- **Public Domain** – Whilst the road reservation has been agreed, detailed design of NSR-3 is not resolved. Appropriate to resolve via condition as it would allow for the road to be designed in keeping with the further master planning currently underway for the wider precinct.

### 3. Site Description, Location and Context

#### 3.1 Site

The site is 'land locked' within the south-east corner of the wider concept plan site. The total site area is 9,482m<sup>2</sup>. The site slopes down significantly, a total of approximately 10m, from a height of 34m AHD to the north and a low of 24m AHD to the south.



**Figure 1.** Locality Map (concept site in blue, are of proposed works in red)

#### 3.2 Site Improvements & Constraints

The area the subject of the proposed works is largely vacant. The wider concept plan site, which adjoins the site to the west and north, contains a single storey exhibition home building. The adjoining sites to the south and east contain industrial buildings and associated offices.

The site is contaminated due to its previous use as a Council rubbish tip. A remediation action plan was approved as part of the Concept Approval. The land is likely to contain Class 5 acid sulphate soils and is of high Aboriginal heritage sensitivity.

The preferred route of Parramatta Light Rail – Stage 2, at the time of writing, is along Hope Street, 600m to the south of the site.

### 3.3 Site History

The site's first non-agricultural use was as a Council owned and operated waste disposal facility. The most recent uses of the site were as a public park known as Bartlett Park.

### 3.4 Statutory Context

#### Melrose Park North

The wider Melrose Park precinct is subject to a Planning Proposal (PP) which would see the area transition from its current industrial character to high density residential and mixed use. The PP (Council Ref: RZ/1/2016), known as Melrose Park North, relates to land immediately south of the concept plan site / subject Stage 2 site. The road network proposed as part of the subject application would connect in to the PP land. The latest proposed layout is shown below:

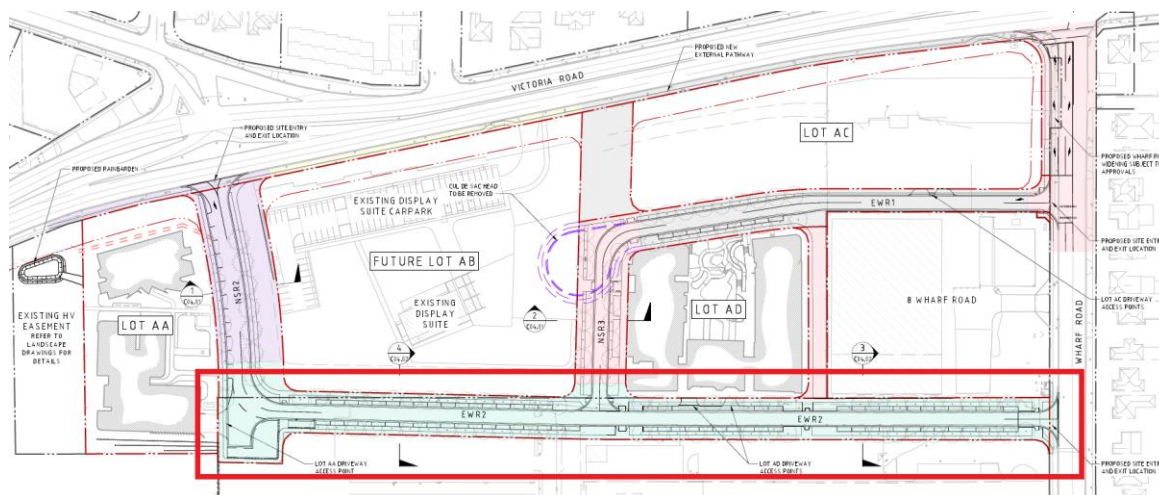


**Figure 2.** Envelopes on adjoining site to the south as currently envisaged by Melrose Park North Planning Proposal.

The PP was endorsed by Council's Independent Hearing and Assessment Panel (IHAP) on 20 June 2017, Council on 10 July 2017 and was subsequently granted gateway determination by the Department of Planning and Environment on 27 September 2017. Exhibition is



East West Road 2 (DA/337/2018)

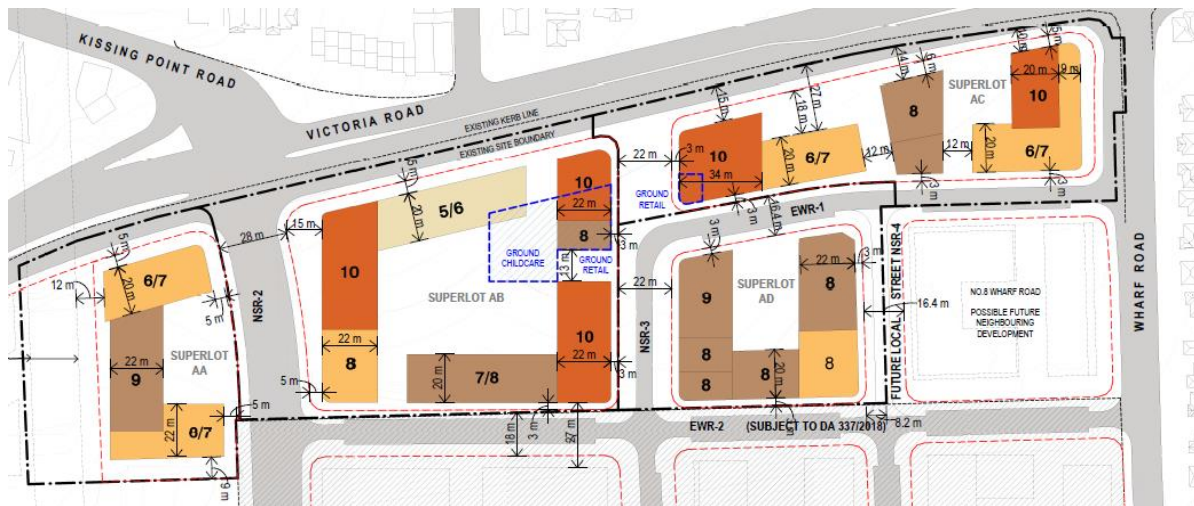


East West Road 2 (EWR-2), Council DA Ref: DA/337/2018, was granted deferred commencement consent by the Parramatta Local Planning Panel on 21 August 2018. The road provides vehicular access and drainage to the subject development. The subject application relies on EWR-2 for vehicular access and drainage. As such a deferred commencement condition is included for the subject application requiring operational consent for the road prior to the subject development becoming operational. A further condition is also included requiring this road be completed prior to occupation of the proposed buildings.

DA/384/2018 seeks consent for demolition of existing office buildings on the lot to the south of the site, 38-42 Wharf Road. Also included in this application is a stormwater basin which seeks to temporarily manage overland flow from the subject site until such time as the Melrose Park North PP is realised. DA/384/2018 has been forwarded to the Parramatta Local Planning Panel with a recommendation for approval and is due to be determined at their meeting on 18 September 2018.

The Sydney Central City Planning Panel (SCCPP) granted deferred commencement consent to Concept Plan DA/1157/2016 on 7 November 2017. The deferred commencement conditions, which required a revised Site Audit Statement, were satisfied and the consent was made operational on 11 January 2018.

A concurrent modification application to the concept has been submitted to take account of the approved revised alignment of EWR-2 and to account for the new levels which were found to be necessary in further development of the overland flow strategy for the site. The application is listed for determination prior to this application. The concept plan as proposed to be modified is outlined below:

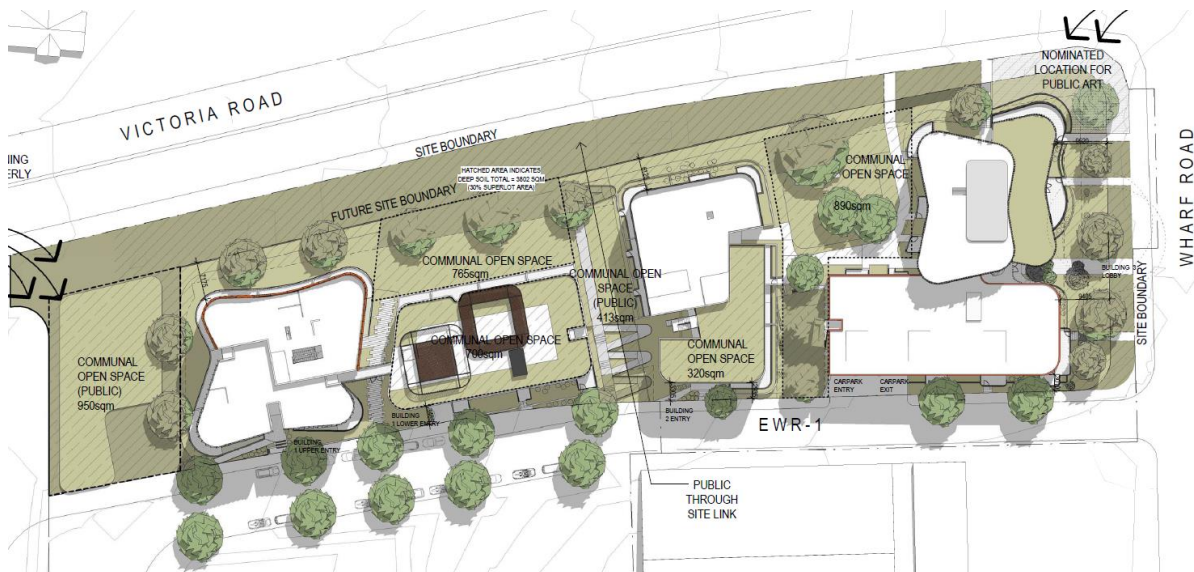


**Figure 4.** Concept Plan DA/1157/2016 (as proposed to be modified).

The Concept approval includes 4 stages of development as follows:

- Stage 1 – Superlot AC (detailed design approved as part of DA/1157/2016)
- Stage 2 – Superlot AD (subject application)
- Stage 3 – Superlot AA (concurrent application)
- Stage 4 – Superlot AB (future application)

Stage 1 (corner Victoria Road and Wharf Road) comprised, earthworks and tree removal, site remediation, excavation of 3 basement levels providing 318 car parking spaces, construction of 3 x 6-10 storey residential flat buildings providing 277 residential apartments, public open space, landscaping, and new internal roads. Stage 1 is outlined below:

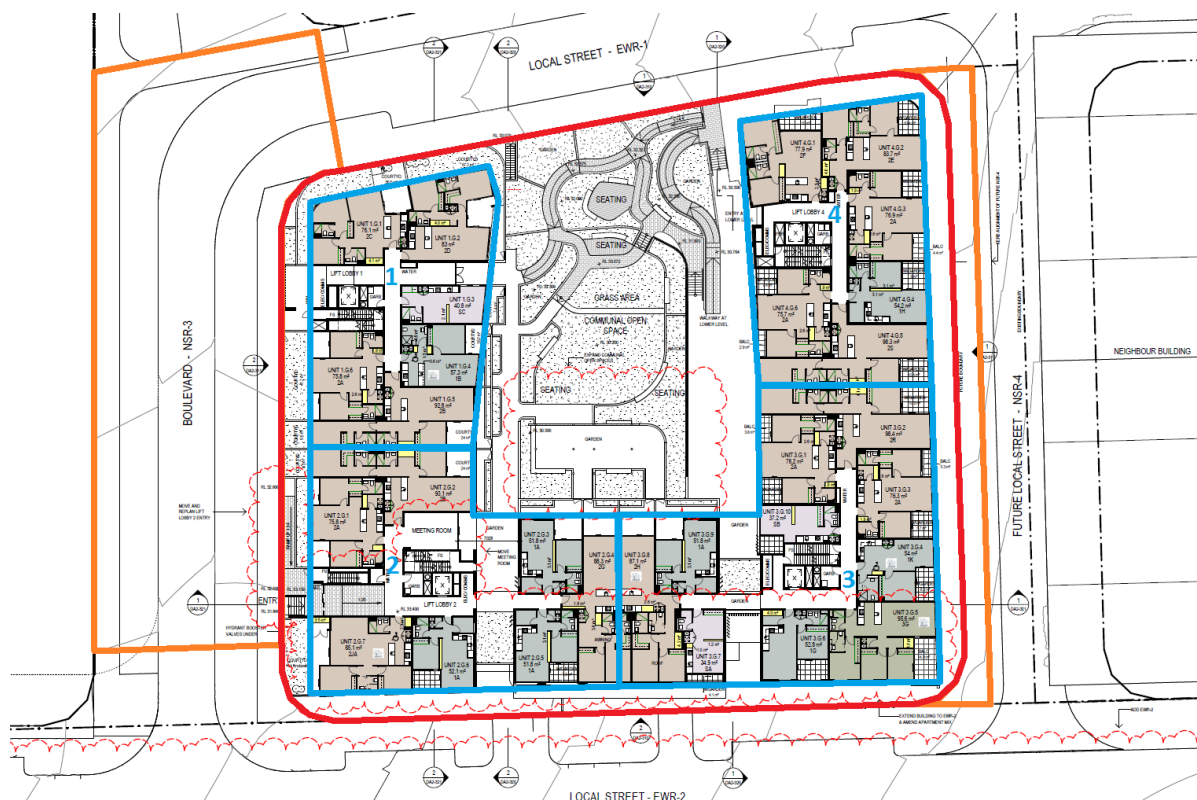


**Figure 5.** Stage 1 Approved Site Plan.

## 5. The Proposal

The proposal involves the following:

- Torrens Title subdivision into 3 lots:
  - Development Lot (5,420m<sup>2</sup>)
  - New Roads NSR-3 and EWR-1 (3,435m<sup>2</sup>)
  - Part of Future Road NSR-4 (627m<sup>2</sup>)
- Excavation of 3 basement levels comprising:
  - 274 below ground car parking spaces;
  - 24 motorcycle parking spaces;
  - 107 bicycle parking spaces; and
  - Storage.
- Construction of 3 x 7 - 9 storey residential flat buildings (4 lift cores) comprising:
  - 234 residential units;
    - 20 x studio;
    - 71 x 1-bed;
    - 130 x 2-bed;
    - 13 x 3-bed;
    - (inclusive of 27 adaptable units and 47 liveable units).
- Communal open space (ground level and roof top)
- Public domain comprising:
  - New road infrastructure (part NSR-3 and part NSR-4);
  - Associated footpaths and planted verges; and
- Strata Subdivision



**Figure 6.** Proposed ground floor plan (blue lines defining 4 lift cores and the units they access, orange represent public domain works, red defines the primary development lot).





**Figure 7.** Photomontage of proposal as viewed from the corner of proposed streets EWR-1 and NSR-3 looking south-east.

## 5.1 Summary of Amended Proposal

During the course of assessment, the applicant proposed a revised alignment and extension of East West Road 2 to continue along the south of the site connecting to Wharf Road. This road was envisaged partly in response to Council officers' concerns that the proposal would result in a poor interface to the land to the south, the proposed building and roads would not be able to drain to Wharf Road, and that the originally proposed driveway would represent a poor urban design outcome. As a result of the new road the applicant made the following revisions:

- 6m extension of building to south (corresponding reduction in southern setback from 9m to 3m);
- 27 additional residential units (from 207 to 234):
  - Original: 8 x studio, 50 x 1-bed, 143 x 2-bed, and 6 x 3-bed;
  - Revised: 20 x studio, 71 x 1-bed, 130 x 2-bed, and 13 x 3-bed;
- 36 additional car parking spaces (from 238 to 274);
- Revised the driveway location to directly access proposed East West Road 2;
- Deleted southern boundary retaining wall; and
- Minor changes to eastern elevation.

In response to concern's raised by Council officers and the Design Excellence Advisory Panel (DEAP) the applicant submitted additional information and revised drawings which included the following changes:

- Added a WC for the ground level communal open space;
- Added a street access to Lift Core 3;
- Added an entry pavilion for Lift Core 4;
- 8 additional cycle parking spaces (from 99 to 107); and
- Deletion of proposal to widen Wharf Road.

The latest civil drawings still include the proposal to widen Wharf Road. As this element has been removed from the application a deferred commencement condition is included requiring submission of new plans deleting the road widening.

## 6. Referrals

The following referrals were undertaken during the assessment process:

### 6.1 Design Excellence Advisory Panel

The Design Excellence Advisory Panel are largely supportive of the proposal. It is considered that the applicant has adequately responded to their recommendations subject to conditions. See their recommendations in full in Appendix 1.

### 6.2 External

Authority	Comment
Roads and Maritime Services	No objection subject to conditions.
Endeavour Energy	No objection subject to conditions.
Office of Environment and Heritage	No objection subject to conditions requiring further archaeological considerations.
Sydney Water	No objection subject to conditions.
Transport for NSW	No response.

### 6.3 Internal

Authority	Comment
Development/Catchment Engineer	Acceptable subject to conditions.
Tree & Landscape Officer	Acceptable subject to conditions.
Traffic and Transport	Raised concern relating to deficiency in car parking and cycle parking. Otherwise acceptable subject to conditions.
Environmental Health – Acoustic	Acceptable subject to conditions.
Environmental Health – Contamination	Acceptable subject to conditions.
Environmental Health – Waste	Acceptable subject to conditions.
Public Domain	Raised concern relating to the layout of the proposed road reserves. Otherwise acceptable subject to conditions.
Urban Design	Raised concern relating to the amount of fill. Otherwise acceptable.
Social Outcomes	Raised concern relating to the deficiency of 3-bed units and lack of 3-bed units with direct access to ground level open space. Otherwise acceptable.
Civil Assets	Acceptable subject to conditions.
Heritage	The proposal is adequately separated from the adjoining and nearby heritage items and as such are not considered likely to have an unacceptable impact on their curtilage or significance.
Environmental Outcomes	Acceptable subject to conditions.
Strategic Planning (assessing adjoining Planning Proposal)	Acceptable.

## 7. Environmental Planning and Assessment Act 1979

The sections of the Environmental Planning and Assessment Act 1979 (the Act) which require consideration are addressed below:

## 7.1 Section 1.7: Application of Part 7 of Biodiversity Conservation Act 2016

The site is largely devoid of any vegetation. No threatened species, populations or ecological communities, or their habitats are impacted by the proposal.

## 7.2 Section 2.15: Function of Sydney District and Regional Planning Panels

The Sydney Central City Planning Panel is the consent authority for this application as the proposal has a Capital Investment Value of more than \$20 million (criteria at time the application was lodged).

## 7.3 Section 4.15: Evaluation

This section specifies the matters that a consent authority must consider when determining a development application, and these are addressed in the Table below:

<b>Provision</b>	<b>Comment</b>
Section 4.15(1)(a)(i) - Environmental planning instruments	Refer to section 8
Section 4.15(1)(a)(ii) - Draft environmental planning instruments	Refer to section 9
Section 4.15(1)(a)(iii) – Development control plans	Refer to section 10
Section 4.15(1)(a)(iiia) - Planning Agreement	Refer to section 11
Section 4.15(1)(a)(iv) - The Regulations	Refer to section 12
Section 4.15(1)(a)(v) - Coastal zone management plan	Not applicable.
Section 4.15(1)(b) - Likely impacts	Refer to section 13
Section 4.15(1)(c) - Site suitability	Refer to section 14
Section 4.15(1)(d) – Submissions	Refer to section 15
Section 4.15(1)(e) - The public interest	Refer to section 16

**Table 2:** Section 4.15(1)(a) considerations

## 7.4 Section 4.24(2): Compliance with Concept Approval

Section 4.24(2) of the Act requires that,

*While any consent granted on the determination of a concept development application for a site remains in force, the determination of any further development application in respect of the site cannot be inconsistent with the consent for the concept proposals for the development of the site.*

The proposal constitutes Stage 2 of concept approval DA/1157/2016. As such, the proposal must be consistent with the requirements of this consent.

The assessment below relates to the concept plan as proposed to be modified in concurrent application DA/1157/2016/A which is due for determination prior to the subject application.

An assessment of the proposal against the concept plan conditions of the consent is provided below:

<b>Concept Plan Condition<sup>1</sup></b>	<b>Assessment of Stage 2 Compliance</b>			
<b>1. Approved Concept Plan</b>	The proposal is not considered to be inconsistent with the footprints, setbacks and envelopes set out in the approved concept plan. See Figure 4 above.			
	<b>Measurement</b>	<b>Concept</b>	<b>Proposed</b>	<b>Comply</b>
	Approx. Units	239	234	Yes
	Street Setbacks	3m	3m	Yes
	Southern Setback	3m	3m	Yes

<sup>1</sup> For full wording of conditions see Attachment 6.

	NSR-3 Reserve Width	22m	22m	Yes
	EW-1 Reserve Width	16.4m	16.4m	Yes
	NSR-4 Reserve Width	16.4m	16.4m	Yes
	Core 1 Height (Storeys)	9	8-9	Yes
	Core 1 Max RL	62.05	61.8	Yes
	Core 2 Height (Storeys)	8	7/8	Yes
	Core 2 Max RL	59.65	59.0	Yes
	Core 3 Height (Storeys)	8	7/8	Yes
	Core 3 Max RL	55.85	55.60	Yes
	Core 4 Height (Storeys)	8	8	Yes
	Core 4 Max RL	55.85	55.6	Yes
2. Development Sequence	This condition specifies that, “A Construction Certificate for Stage 2 is not to be issued unless development of Stage 1 is substantially commenced and, if required, remediation works are complete”. While Stage 1 is yet to be substantially commenced, this does not limit the ability to approve the Stage 2 application.			
3. Design Modifications	The latest Master Plan for the adjoining PP relocated the proposed town centre significantly to the south. As such no such modifications are likely to be required.			
4. The Approved Building Envelopes	The application is assessed against SEPP 65 below and found to be acceptable.			
5. Road Widening	This condition is original required widening of Wharf Road prior to Stage 2 occupation certificate. As part of the modifications to the concept plan, it is proposed to defer this requirement to Stage 4. As such the proposal to widen the road has been removed from the subject application.			
6. Lots to be Dedicated for Public Use	Does not relate to DA approval for Stage 2.			
7. Site Floor Space	The Concept Plan outlined a maximum of 19,855m <sup>2</sup> for Stage 2. The proposal includes 19,395.3m <sup>2</sup> GFA and as such complies with the requirement.			
8. Electromagnetic Radiation	Does not relate to Stage 2.			
9. Public Safety	This condition is a construction stage requirement that will continue to apply.			
10. Maximum Height	Does not relate to Stage 2.			
11. Concept Drainage Plan	This condition requires a Concept Drainage Plan be prepared for the entire site prior to release of construction certificate Stage 1. A drainage plan for the site was subsequently approved. The proposal is considered to be consistent with the drainage plan.			
12. Site Audit Statement Prior to any Building Works	Council’s Environmental Health officer is satisfied that the site can be made appropriate for the proposed use subject to conditions of consent.			
13. Site Investigation & Site Audit Statement	This condition is a construction stage requirement that will continue to apply.			
14. Hazardous/Intractable Waste Disposed Legislation	This condition is a construction stage requirement that will continue to apply.			
15. Imported Fill	This condition is a construction stage requirement that will continue to apply.			
16. Signage Contamination	–	This condition is a construction stage requirement that will continue to apply.		
17. Requirement to Notify About New		This condition is a construction stage requirement that will continue to apply.		



<b>Contamination Evidence</b>	
<b>18. Discharge of Contaminated Groundwater</b>	This condition is a construction stage requirement that will continue to apply.
<b>19. Contaminated Waste to Licensed EPA Landfill</b>	This condition is a construction stage requirement that will continue to apply.
<b>20. Wayfinding Signage Strategy</b>	Does not relate to DA approval for Stage 2.
<b>21. Road and Transport Design – General</b>	The Transport Management Access Plan (TMAP) for the adjoining Planning Proposal is yet to be adopted and as such this condition is not yet relevant.
<b>22. Environmental Performance</b>	The proposal meets the Environmental Performance targets outlined in the concept plan as it includes: <ul style="list-style-type: none"> <li>a) A BASIX energy score of 35;</li> <li>b) A BASIX water score of 48;</li> <li>c) Commitment to dual water piping;</li> <li>d) Provision of electric car share spaces; and</li> <li>e) Use of sustainable timber</li> </ul>
<b>23. Road Dedications</b>	Does not relate to DA approval for Stage 2.
<b>24. Drainage Easement</b>	Does not relate to DA approval for Stage 2.
<b>25. Overland Flow</b>	The applicant has submitted a 2D overland flow study which demonstrates that the proposal, without any abatement measures, would have an unacceptable impact on downstream properties. However, a stormwater retention basin proposed as part of DA/384/2018 on the adjoining site to the south, would appropriately resolve this issue. DA/384/2018 has been forwarded to the Parramatta Local Planning Panel with a recommendation for approval and is due to be determined at their meeting on 18 September 2018. As the overland flow solution is dependent on this application a deferred commencement condition is included requiring this application be approved prior to operational consent.
<b>26. Consistency with Concept Plan</b>	Subject of this table.
<b>27. Landscaping</b>	Does not relate to DA approval for Stage 2.
<b>28. Power Lines</b>	Does not relate to DA approval for Stage 2.
<b>29. Land Dedications</b>	Does not relate to DA approval for Stage 2.

## 8. Environmental Planning Instruments

### 8.1 Overview

The instruments applicable to this application comprise:

- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (Infrastructure) 2007
- SEPP (State and Regional Development) 2011
- SEPP (Sydney Harbour Catchment) 2005
- SEPP No. 55 (Remediation)
- SEPP No. 65 (Design Quality of Residential Apartment Development)
- Parramatta Local Environmental Plan 2011

Compliance with these instruments is addressed below.

### 8.2 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The application is accompanied by BASIX certificates that list sustainability commitments.

The BASIX certificate achieved the increased standards imposed as part of the concept approval (i.e. Energy score of 35 and Water score of 48). The requirements outlined in the BASIX certificates have been satisfied in the design of the proposal. Council's sustainability consultant is of the view that the NatHERS certificates should be revised in keeping with the design. A condition is included to this effect. A condition would be imposed to ensure the BASIX commitments are fulfilled during the construction of the development.

### **8.3 State Environmental Planning Policy (Infrastructure) 2007**

The proposal is considered to constitute 'traffic generating development' as it proposes more than 200 car parking spaces. As such, the proposal was referred to Roads and Maritime Services (RMS), who did not raise any objection, subject to conditions of consent.

### **8.4 State Environmental Planning Policy (State and Regional Development) 2011**

As this proposal has a Capital Investment Value of more than \$20 million, Part 4 of this Policy provides that the Sydney Central City Planning Panel is the consent authority for this application.

### **8.5 State Environmental Planning Policy (Sydney Harbour Catchment) 2005**

This Policy, which applies to the whole of the Parramatta local government area, aims to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways by establishing planning principles and controls for the catchment as a whole. The nature of this project and the location of the site are such that there are no specific controls which directly apply, with the exception of the objective of improved water quality. That outcome would be achieved through the imposition of suitable conditions to address the collection and discharge of water during construction and operational phases.

### **8.6 State Environmental Planning Policy No. 55 – Remediation of Land**

Phase 1 and 2 site investigations, submitted with the concept plan application (DA/1157/2016), outlined that contamination was present on the site at levels which required remediation prior to the proposed use. A remedial action plan (RAP) was also submitted outlining a remediation strategy.

The concept approval included a deferred commencement condition requiring a revised RAP for the whole concept plan site (which included the subject site), and review of the suitability of the RAP by an accredited site auditor. This information was subsequently submitted to Council's Environmental Health team who found the remediation information sufficient to ensure the site could be made suitable for the proposed use of the site.

The site would need to be validated with a site audit statement at the completion of remediation works and prior to any building works commencing. A condition is included to this effect. As such the proposal is considered to satisfy the requirements of SEPP 55.

### **8.7 State Environmental Planning Policy No. 65 (Design Quality of Residential Apartment Development)**

SEPP 65 applies to the development as the proposal is for a new building, is more than 3 storeys in height and would have more than 4 units. SEPP 65 requires that residential flat buildings satisfactorily address 9 design quality principles, be reviewed by a Design Review Panel, and consider the recommendations in the Apartment Design Guide.

## Design Quality Principles

A design statement addressing the quality principles prescribed by SEPP 65 was prepared by the project architect and submitted with the application. The proposal is considered to be consistent with the design principles for the reasons outlined below:

Requirement	Council Officer Comments
<b>Principle 1: Context and Neighbourhood Character</b>	<p>The area is currently characterised by industrial and low density residential uses. The site is zoned B4 mixed use and its planning controls envisage high density mixed use development. The proposal is consistent with this desired future character of the area.</p> <p>As the proposal includes a building typology not common to the area, there is no established architectural theme to inform the design. The proposed buildings are modern flat buildings by a qualified and well regarded architecture firm. The buildings have been reviewed by Council's Design Excellence Advisory Panel, a trio of architectural and landscaping experts, and have been generally found to be acceptable. As such the proposal is considered to establish a good precedent for the future neighbourhood character.</p> <p>The proposal provides for high quality and well considered public domain and landscape treatments that would provide for an up-grade to the neighbourhood character.</p>
<b>Principle 2: Built Form and Scale</b>	The height and location of the proposed buildings are not inconsistent with the built form approved under the concept plan building envelopes (as proposed to be modified).
<b>Principle 3: Density</b>	The density of the proposal is not inconsistent with the floor space distribution approved under the concept plan (as proposed to be modified).
<b>Principle 4: Sustainability</b>	<p>Condition 22 of the concept plan approval sets out the environmental performance requirements for all stages of development. The requirements exceed the minimum requirements set out by the relevant legislation.</p> <p>The proposal includes a BASIX certificate which demonstrates that the proposal would satisfy the more stringent criteria defined by the concept plan (i.e. Energy score of 35 proposed versus 25 required and Water score of 48 proposed versus 40 required). The certificates require sustainable development features to be installed into the development inclusive of water efficient fixtures and energy saving devices. The proposal also includes photovoltaics at roof level.</p> <p>The proposal also groups A/C condensers on the roof space which would reduce the visual impact of individual condensers on balconies.</p> <p>The other requirements of the concept plan, including dual water piping, provision of electric car share and use of sustainable timber will continue to apply to this stage.</p>
<b>Principle 5: Landscape</b>	This development proposed is consistent with the objectives of the Parramatta DCP and provides on-structure planting and street planting to create an appropriate landscape setting. Along with remediation of the site, the proposal would provide for a significant up-grade to the landscape character of the site.
<b>Principle 6: Amenity</b>	Generally, the proposal as amended is considered to be satisfactory in this regard, optimising internal amenity through appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, outlook, efficient layouts and service areas. A condition is included requiring amalgamation of some studio units, which have poor outlook, with the adjoining units.

Requirement	Council Officer Comments
<b>Principal 7: Safety</b>	<p>The proposal is considered to provide appropriate safety for occupants and the public for the following reasons:</p> <ul style="list-style-type: none"> <li>· The new public streets are overlooked by the new units providing passive surveillance.</li> <li>· The lift lobbies, subject to conditions discussed below, will provide appropriate access.</li> <li>· Conditions are included requiring appropriate lighting of public streets.</li> </ul>
<b>Principal 8: Housing Diversity and Social Interaction</b>	<p>The proposal provides additional housing choice in close proximity to public transport. Subject to condition the proposal would provide an appropriate amount of 3-bed family units.</p> <p>The communal open space and new public domain would provide for social interaction.</p> <p>No affordable housing is proposed within the development. The proposed development is compliant with the density (FSR) control under the LEP and there is no statutory or policy requirement to provide affordable housing as part of the development.</p>
<b>Principle 9: Aesthetics</b>	<p>The proposed development is considered to be appropriate in terms of the composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the resultant building. The proposed building is considered aesthetically to respond to the environment and context, contributing in an appropriate manner to the desired future character of the area.</p>

### ***Design Review Panels***

The proposal was referral to Council's Design Excellence Advisory Panel. See Appendix 1 for their comments and the applicant's response.


### ***Apartment Design Guide***

The relevant provisions of the ADG are considered within the following assessment table:

Standard	Requirement	Proposal	Compliance
<b>Part 3</b>			
<b>3B: Orientation</b>	The buildings are laid out in a horseshoe shape with the opening facing approximately north which maximises solar access to units and the central open space. Overshadowing of the adjoining industrial land to the south is minimised by the building stepping down to the south.		
<b>3C: Public Domain Interface</b>	<p>The public domain interface is considered to positively contribute to the streetscape by providing high quality materials and distinct access to residential foyers. The separation between the private and public domains is established by stairs, level changes, low walls/fences, planting and paving material.</p> <p>The street wall on the western side of the proposed buildings is considered to be unacceptably high. A condition is included to require stepped landscaping be provided in this wall to soften its visual impact.</p>		
<b>3D: Communal &amp; Public Open Space</b>	Min. 25% of site area (1,355m <sup>2</sup> )	1,600m <sup>2</sup> of communal open space inclusive of ground level courtyard (1,390m <sup>2</sup> ) and roof terraces (753m <sup>2</sup> ).	Yes



Standard	Requirement	Proposal	Compliance
	Min. 50% direct sunlight to main communal open space for min. 2hrs 9am & 3pm, June 21 <sup>st</sup> (678m <sup>2</sup> )	Approximately 700m <sup>2</sup> of communal open space would receive the required solar access	Yes
	<p>The proposal includes a central communal open space area, raised slightly above grade, which includes a planted area, an open lawn and a pergola containing BBQs and a picnic setting. A WC is available to users of this space. It is considered that a small play area can be accommodated in this space which would improve its amenity to families with small children. As such a condition is included to this effect. This communal area is accessible internally from all lift cores.</p> <p>The proposal also includes a landscaped roof terrace which includes a pergola with BBQ, planting and picnic areas. It is considered that a WC would improve the amenity of this space and as such a condition is included to this effect. This area is directly accessible to cores 2, 3 and 4. Core 1 would also be able to access it but indirectly via the ground floor. While this is not ideal it is not considered to be reason to refuse the application as Core 1 has good direct access to the ground level open space.</p> <p>Overall, these areas are considered to provide good amenity to residents and their visitors.</p>		
<b>3E: Deep Soil</b>	Min. 7% with min. dimensions of 6m (379m <sup>2</sup> )	394m <sup>2</sup> (7.3%)	Yes
<b>3F: Visual Privacy</b>	<p><u>Internal</u></p> <p>Core 1 (9 storeys) to Core 4 (8 storeys): 24m habitable to habitable</p> <p>Core 2 West (7 storeys) to Core 2 East (6 storeys):</p> <ul style="list-style-type: none"> <li>12m habitable to non-habitable</li> <li>9m non-habitable</li> </ul> <p>Core 3 West (6 storeys) to Core 3 East (8 storeys):</p> <ul style="list-style-type: none"> <li>12m habitable to non-habitable</li> <li>9m non-habitable</li> </ul> <p><u>External</u></p> <p>Cores 1 &amp; 4 (8-9 storeys) to Stage 1 buildings (6-10 storeys): 24m habitable to habitable</p> <p>Cores 1 &amp; 2 (7-8 storeys) to centreline of NSR-3: 12m</p> <p>Cores 2 &amp; 3 (8 storeys) to centreline of EWR-2: 12m</p> <p>Cores 3 &amp; 4 (7-8 storeys) to eastern boundary: 12m</p>	<p>&gt;30m habitable to habitable</p> <p>4.6m</p> <p>4.8m</p> <p>4.7m</p> <p>4.8m</p> <p>23m</p> <p>15m</p> <p>13m</p> <p>11.2m</p>	<p>Yes</p> <p>No, see discussion below.</p> <p>No, see discussion below.</p> <p>No (in keeping with Concept)</p> <p>Yes</p> <p>Yes</p> <p>No (in keeping with Concept)</p>

Standard	Requirement	Proposal	Compliance
	<p>The non-compliant setbacks referred to above primarily affect 13 corner studio units. The lack of separation results in unacceptably poor outlook for these units. Unit 3.LG1.7, in particular, has very poor outlook and privacy as it is in close proximity to a walkway with wall behind. It is recommended that these units be subsumed with the adjoining 2-bed units to make additional 3-bed units (as outlined in green below) with the living rooms on the north side of the layout. This would mean that each unit has one bedroom with poor outlook as opposed to an entire studio unit with poor outlook. A condition is included to this effect.</p> 		
<b>3G: Pedestrian Access and Entries</b>	<p>A residential pedestrian access foyer is provided to the street frontage to facilitate access to lobbies 1, 2 &amp; 3. Lobby 4 is off the internal access way and does not have a direct street frontage. In order to assist in wayfinding an entry pavilion is provided at the street frontage. While not ideal this is considered to be acceptable in this instance due to the difficulty in accommodating level changes across the site. Lift lobby 3 is considered to be unacceptably recessed into the façade and not clearly legible to the street. As such a condition is included requiring a revised design for this entry.</p> <p>It is considered that suitable pedestrian access would be accommodated on site and would be in the form of grade ramps and stair lifts.</p> <p>Separate entries have been provided for pedestrian and vehicles.</p>		
<b>3H: Vehicle Access</b>	<p>The proposal incorporates two driveways to the south of the site off of EWR-2. One services the underground parking spaces and the other services the loading dock. Two driveways for a block of this size is considered to be acceptable. The vehicular entry points are separated from pedestrian entry points to improve pedestrian safety and comfort. Waste collection is made from the loading dock.</p>		
<b>3J: Bicycle and car parking</b>	The site is not located within 800m of a railway station or light rail stop and as such local parking controls apply.	N/A	N/A
<b>Part 4</b>			
<b>4A: Daylight / Solar Access</b>	Min. 2hr for 70% of apartments living & POS 9am & 3pm mid-winter ( $\geq 164$ );	165 out of 234 (71%)	Yes
	Max 15% apartments receiving no direct sunlight 9am & 3pm mid-winter ( $\leq 35$ )	26 out of 234 (9.6%)	Yes
	<p>The proposal provides good levels of solar access for a development of its size.</p> <p>The applicant has provided a solar study which demonstrates that redevelopment of the adjoining blocks to the east and south can be achieved with compliant solar access.</p>		

Standard	Requirement	Proposal	Compliance
<b>4B: Natural Ventilation</b>	Min. 60% of apartments below 9 storeys naturally ventilated ( $\geq 140$ )	140 out of 234 apartments (60.0%)	Yes
	Building depth (glass line to glass line): $\leq 18\text{m}$	$< 17\text{m}$	Yes
	Condition is included requiring that the units which rely on a skylight to achieve cross ventilation have an operable roof light.		
<b>4C: Ceiling heights</b>	Min. 2.7m habitable Min 2.4m non-habitable	2.8m 2.8m	Yes Yes
<b>4D: Apartment size &amp; layout</b>	0B – Min $35\text{m}^2$ 1B – Min $50\text{m}^2$ 2B – Min $75\text{m}^2$ (2 baths) 3B+ – Min $95\text{m}^2$ (2 baths)	0B - $>34.9\text{m}^2$ (6 breach) 1B – $>51.8\text{m}^2$ 2B – $>75.2\text{m}^2$ 3B – $>95.6\text{m}^2$	No (minor) Yes Yes Yes
	All rooms to have a window in an external wall with a total minimum glass area not less than 10% of the floor area of the room.	All comply	Yes
	Habitable room depths max. 2.5 x ceiling height (7m)	Up to 5.6m	Yes
	Max. habitable room depth from window for open plan layouts: 8m.	<b>Up to 9.3m</b>	<b>Partial</b>
	Min. internal areas: Master Bed - $10\text{m}^2$	<b><math>&gt;9.3\text{m}^2</math> (1.X.4, 4.X.4, 2.X.6, 2.X.5, 2.X.3, 3.X.9) (40 fail)</b>	<b>No</b>
	Other Bed - $9\text{m}^2$	$>9\text{m}^2$	Yes
	Min. 3m dimension for bedrooms (excl. wardrobe space).	All bedrooms have a minimum dimension of 3m excluding wardrobes.	Yes
	Min. width living/dining: 0B – 3.6m 1B – 3.6m 2B – 4m 3B – 4m Cross-through: 4m	$>3.5\text{m}$ $>3.5\text{m}$ $>3.8\text{m}$ $>3.9\text{m}$ $>3.9\text{m}$	No (Minor) No (Minor) No (Minor) No (Minor) No (Minor)
	The dimensional non-compliances relate only to a small percentage of units. The non-compliances are considered to be minor and not unacceptably compromise the amenity of future occupants.		
<b>4E: Private open space &amp; balconies</b>	Min. area/depth: 0B - $4\text{m}^2$ 1B - $8\text{m}^2/2\text{m}$ 2B - $10\text{m}^2/2\text{m}$ 3B - $12\text{m}^2/2.4\text{m}$ Ground Floor - $15\text{m}^2/3\text{m}$	$>4.1\text{m}^2$ $>7.3\text{m}^2/2.2\text{m}$ (14 fail) $>9.9\text{m}^2/2.1\text{m}$ (16 fail) $>12.5\text{m}^2/2.4\text{m}$ $>7.4\text{m}^2/2.4\text{m}$ (1 fails)	Yes No (Minor) No (Minor) Yes No (minor)
	While the proposal is slightly non-compliant in the size and dimensions of some of the balconies, the provision of an excess of good quality communal open space areas is considered to be sufficient to ensure acceptable amenity for future applicants.  Access is provided directly from living areas and where possible, secondary access is provided from primary bedrooms.		

Standard	Requirement	Proposal	Compliance
	The separation between the private and public domains is established by walls, fences and planters.		
<b>4F: Common circulation &amp; spaces</b>	Max. apartments –off circulation core on single level: 8 - 12	6 - 10	Yes
	Corridors >12m length from lift core to be articulated.	Corridors articulated	Yes
<b>4G: Storage</b>	0B – Min 4m <sup>3</sup> (x20) 1B – Min 6m <sup>3</sup> (x71) 2B – Min 8m <sup>3</sup> (x130) 3B+ – Min 10m <sup>3</sup> (x13) Total – 1,676m <sup>3</sup>	~900m <sup>3</sup> (in units) ~900m <sup>3</sup> (basement) ~1,800m <sup>3</sup> (total)	Yes
	Min. 50% required in Basement (838m <sup>3</sup> )	~900m <sup>3</sup>	Yes
	The proposal provides a good quantity and distribution of storage areas.		
<b>4H: Acoustic Privacy</b>	The proposal has generally designed so that like-use areas of the apartments are grouped to avoid acoustic disturbance of neighbouring apartments where possible. Noisier areas such as kitchens and laundries are also located away from bedrooms when possible.		
<b>4J: Noise and pollution</b>	The proposal is well setback and shielded from Victoria Road and Wharf Road and as such is not considered to be subject to excessive noise from these roads. The local roads which would surround the site would not be heavily trafficked. As such no special measures are considered necessary to protect the acoustic amenity of the proposed subject to standard conditions.		
<b>4K: Apartment Mix</b>	The proposed units vary in size, amenity, orientation and outlook to provide a mix for future home owners. A variety of apartments are provided across all levels of the apartment building. Further consideration of the residential mix is provided under Section 10.1 below.		
<b>4L: Ground Floor Apartments</b>	Although provided where possible, direct street access from all ground level units cannot be achieved due to the gradient of the surrounding roads. The ground level private space areas are delineated by walls and fences. The landscape plan outlines screen planting along the back of the walls to provide additional privacy for occupants.		
<b>4M: Facades</b>	Three distinct façade types, of differing materials and proportions, are proposed to provide visual interest. Vertical breaks are provided in the longer facades to add articulation. Depth in the façade is provided with balconies, external fins and window reveals. To ensure the facades are appropriate detailed a condition is included requiring submission of 1:20 sections for review by Council officers prior to CC.		
<b>4N: Roof design</b>	The proposed building is to have a flat roof which is considered to be appropriate given the horizontality of the design. Rooftop plant and lift overrun are suitably setback to ensure they would not be visible from the street. A roof top communal open space has been incorporated into the building, increasing the amenity for occupants.		
<b>4O: Landscape Design</b>	The application includes a landscape plan which demonstrates that the proposed building would be adequately landscaped given its high density form. The proposal includes well landscaped ground floor and rooftop spaces which would provide ancillary open space for occupants, and street planting which would enhance the new public domain. The proposed landscaping would also adequately provide habitat for local wildlife; contributing to biodiversity.		
<b>4P: Planting on structures</b>	The drawings outline that planting on structures would have adequate soil depth to accommodate good quality planting.		
<b>4Q: Universal Design</b>	20% Liveable Housing Guidelines Silver Level design features (>47)	47	Yes



Standard	Requirement	Proposal	Compliance
	The site is considered to be appropriately barrier free with level and lift access available from the street and lift access from the basement and to the upper residential floors of the development. Vehicular and pedestrian entries are well separated. It is considered that more than 20% of units as set out can achieve the Liveable Housing silver standards. A condition is included to this effect.		
<b>4T: Awnings and Signage</b>	No awnings or signage are proposed which is considered to be appropriate given the residential nature of the proposed building.		
<b>4U: Energy Efficiency</b>	The BASIX Certificates demonstrates the development surpasses the pass mark for energy efficiency in compliance with the concept plan requirements.		
<b>4V: Water management</b>	The BASIX Certificates demonstrates the development surpasses the pass mark for water conservation in compliance with the concept plan requirements.		
<b>4W: Waste management</b>	Interim waste areas have been located in convenient discreet ground floor locations at the base of each lift core with the main waste collection area located adjacent to the truck loading dock. A construction waste management plan has been prepared by a qualified waste consultant adhering to council's waste controls. All units are provided with sufficient areas to store waste/recyclables internally before disposal.		
<b>4X: Building maintenance</b>	The proposed materials are considered to be sufficiently robust, eschewing the use of render and other easily stained materials.		

## 8.8 Parramatta Local Environmental Plan 2011

The relevant objectives and requirements of the Parramatta Local Environmental Plan 2011 have been considered in the assessment of the development application and are contained within the following table.

Development standard	Proposal	Compliance
<b>2.3 Zoning</b> B4 – Mixed Use	The proposed use is defined as 'residential flat building' which is permissible with development consent in the zone.	Yes
<b>Zone Objectives</b>	The proposal is considered to be in keeping with the objectives of the B4 Mixed Use zone for the following reasons: <ul style="list-style-type: none"> <li>The proposal provides an appropriate land use.</li> <li>The proposal provides additional residential accommodation in an accessible area.</li> <li>The proposal provides new public domain.</li> </ul>	Yes
<b>4.3 Height of Buildings</b>  Concept Plan (RL):  Core 1: 62.05m Core 2: 59.65m Core 3: 55.85m Core 4: 55.85m  Map Control (Above Natural Ground Level): 28m	   61.8m 59.0m 55.6m 55.6m  30.1m	   Yes (as per concept)   No (see below)
<b>4.4 Floor Space Ratio</b>  Concept Plan: 19,855m <sup>2</sup>  Map Control: 2:1 (18,964m <sup>2</sup> ).	  19,395.3m <sup>2</sup>  19,395.3m <sup>2</sup>	  Yes (as per concept) No (see below)

Development standard	Proposal	Compliance
<b>4.6 Exceptions to Development Standards</b>	<p>A Clause 4.6 variation request is not considered to be necessary for the following reasons:</p> <ul style="list-style-type: none"> <li>• Clause 4.3 'Height' – The concept plan approval allowed height breaches across the site. As outlined under Section 7.4 above, the proposal is not considered to be inconsistent with the Concept plan approval.</li> <li>• Clause 4.4 'FSR' – The concept plan overall complies with the allowable GFA across the wider site. While the proposal 'exceeds' the allowable FSR based on the area of the site, it is consistent with the distribution of floor space approved in the concept plan.</li> </ul> <p>Notwithstanding, the applicant has submitted a Clause 4.6 variation request if the determining authority is of the view that such a request is required. The Clause 4.6 variation request is considered to be well founded in that it has demonstrated that there are site specific reasons for contravening the development standard.</p>	N/A
<b>5.10 Heritage conservation</b>	<p>The site of the proposed development is not individually heritage listed. However, it adjoins the listed item 'Landscaping' at 38-42 Wharf Road. The adjoining listing relates to remnant trees and two moveable heritage items. The proposal does not impact on any trees and is well separated from the two moveable items. As such the proposal is not considered to have an unacceptable impact on the heritage significance of the adjoining item.</p>	Yes
<b>6.1 Acid Sulfate Soils</b> Class 5	<p>The proposal is above 5m AHD and is not likely to lower the water table.</p>	N/A
<b>6.2 Earthworks</b>	<p>The proposal requires cut of up to 5m and fill of up to 5m (not including the proposed basement). The earthworks are required to match the proposed building and roads with the levels approved as part of the concept plan.</p> <p>The applicant has demonstrated that the proposal would have an acceptable impact on drainage patterns.</p> <p>The fill is sufficiently setback from the nearest adjoining residential properties so as not to impact their amenity. The closest residential properties are located on Wharf Avenue over 120m from the eastern extent of the site. The site would be supported by retaining walls along the boundary with the adjoining 8 Wharf Road site. However, as this is an industrial site the retaining wall is not considered to have an unacceptable impact on its functionality. As such the proposal is considered to have an acceptable impact on the amenity of adjoining and nearby properties. A condition is</p>	Yes

Development standard	Proposal	Compliance
	<p>included requiring that the retaining wall would be removed when the levels of 8 Wharf Road are modified to match the subject site as part of any future redevelopment of that site.</p> <p>The potential for disturbing archaeology relics is covered by the recommended conditions of consent provided by the Office of Environment and Heritage.</p> <p>The proposal includes the relevant sediment controls plans. Further conditions to this effect are included in the draft consent.</p>	
<b>6.3 Flood Planning</b>	<p>The site is not directly affected by fluvial flooding but is subject to overland flow.</p> <p>The applicant has undertaken overland flow analysis and has designed the proposed floor levels to be at or above the adopted flood planning level. Conditions are included to ensure the building would adequately respond to the risk.</p> <p>The proposal contributes to additional overland flow flooding. A stormwater basin is proposed on the site to the south as part of a separate application. Council's engineers consider this basin would appropriately manage overland flows. As such a deferred commencement condition is included requiring the neighbouring application be approved prior to operational consent.</p>	Yes, subject to deferred commencement consent

## 9. Draft Environmental Planning Instruments

There are no draft environmental planning instruments relevant to the subject site. The planning proposal relating to the adjoining sites, as outlined in the Section 3 above, has not progressed sufficiently to be considered imminent and/or certain and as such is not a material consideration.


## 10. Development Control Plans

### 10.1 Parramatta Development Control Plan 2011

An assessment of the proposal against the relevant controls in the Parramatta Development Control Plan 2011 is provided below:

Development Control	Proposal	Comply
<b>2.4 Site Considerations</b>		
2.4.1 Views and Vistas	A significant district view from Victoria Road, over the site, is identified in the DCP. This view is protected, in part, by the provision of north-south roads throughout the wider concept site. The stage 1 approved development will already block views which the proposal would otherwise intrude on.	Yes

Development Control	Proposal	Comply
2.4.2.3 Protection of Groundwater	Protection of groundwater is secured via condition.	Yes
2.4.3.1 Sedimentation	The erosion and sediment control plan submitted with the application is considered to be sufficient.	Yes
2.4.3.3 Salinity	The site is identified as being of moderate salinity potential. As such no special measures are required.	N/A
2.4.5 Air Quality	The proposed buildings are well setback, and screened, from both Victoria Road and Wharf Road and as such are not considered likely to be subject to raised levels of air pollution.	Yes
2.4.6 Development on Sloping Land	See discussion under section 6.2 of the PLEP above.	Yes
2.4.7 Biodiversity	The proposed residential flat buildings do not require the removal of any significant trees and include new on-structure planting. The new streets include significant on-street trees. As such the proposal is considered to result in a net increase in biodiversity on the site.	Yes
2.4.8 Public Domain	The proposal includes upgrades to the public domain including new roads, verges, street trees, footpaths, etc. The proposed buildings are considered to appropriately address the public domain, providing passive surveillance and activation.	Yes, see discussion below.
<b>3.1 Preliminary Building Envelope (Table 3.1.3.11)</b>		
Minimum Site Frontage: >18m	58m west, 79m north, 75m east, 76m south	Yes
Front Setback: 3m	3m	Yes
Rear Setback: 15% (Avg ~10m)	No rear setbacks	N/A
<b>3.3 Environmental Amenity</b>		
3.3.1 Landscaping	As outlined above, the proposal is considered to provide sufficient landscaping.	Yes
3.3.5 Solar Access  Adjoining properties receive a minimum of 3 hours sunlight to habitable rooms and 50% of their private open space areas between 9am and 3pm on 21 June	<p>As the adjoining land to the south is currently industrial the proposal would not overshadow any existing residential units or open space. However, as outlined in Section 3 above, there is currently a Planning Proposal under assessment for the site to the south. The current layout shows a similar horseshoe arrangement for the adjoining block to the south (see extract below). The shadow diagrams submitted with the application suggest that the ground level open space would struggle to meet the required solar access. However, it is likely that roof terraces on the building could make up the short fall.</p> <p>The applicant has provided a solar study which demonstrates that redevelopment of the adjoining blocks can be achieved with compliant solar access.</p>	Yes

Development Control	Proposal	Comply
		
Cross Ventilation	See ADG assessment above.	N/A
3.3.6 Water Sensitive Urban Design	A 5kL Rainwater Tank to irrigate open space and water efficient fixtures is proposed.	Yes
3.3.7 Waste Management	The applicant submitted a comprehensive operational waste management plan which demonstrates that the building can safely, quickly, and quietly store and remove waste.	Yes
<b>3.4 Social Amenity</b>		
3.4.1 Public Art	A Public Art Plan and its implementation would be required by condition	Yes
3.4.4 Safety and Security	The proposal does not contribute to the provision of any increased opportunity for criminal or anti-social behaviour. Natural surveillance of the public domain would be provided.	Yes
3.4.5 Housing Diversity and Choice <ul style="list-style-type: none"> <li>• 3 bed 10% - 20%</li> <li>• 2 bed 60% - 75%</li> <li>• 1 bed 10% - 20%</li> <li>• 10% adaptable units</li> </ul>	<ul style="list-style-type: none"> <li>• <b>13 x 3 bedroom apartments (6%)</b></li> <li>• <b>130 x 2 bedroom apartments (56%)</b></li> <li>• <b>91 x 0-1 apartments (39%)</b></li> <li>• 27 x adaptable (12%)</li> </ul>	<b>No, see discussion below.</b>  Yes
<b>3.5 Heritage</b>		
3.5.1 General	As outlined under Section 5.10 of the PLEP assessment above, the proposal is considered to have an acceptable impact on the adjoining heritage item.	Yes
3.5.2 Archaeology	The application was referred to the Office of Environment and Heritage (Archaeology division) who had no objection subject to conditions requiring archaeological investigations.	Yes, subject to conditions
3.5.3 Aboriginal Cultural Heritage	The site is identified as having high Aboriginal sensitivity. The application was referred to the Office of Environment and Heritage (Aboriginal Heritage division) for comment. No response has been received. However, the conditions imposed relating to archaeology covers Aboriginal relics.	Yes

Development Control	Proposal	Comply
3.6 Movement and Circulation		
3.6.1 Sustainable Transport		
Car Share		
1 car share if over 50 units	5	Yes
3.6.2 Parking and Vehicular Access		
Car Parking Control		
0.6 / 0 bed unit (12) 1 / 1 bed unit (71) 1.25 / 2 bed unit (162.5) 1.5 / 3 bed unit (19.5) -2 / car share (-10) Occupant: 255 Visitor: 0.25 / unit (58.5) Total: 314	<b>239 residential occupant</b> <b>30 residential visitor</b> <b>269</b>	<b>No, see discussion below.</b>
Accessible Resident: 24	24	Yes
Car Wash Bay	Not specified on drawings.	No, to be conditioned
Bicycle Parking		
1 space per 2 dwellings (117)	107	No, to be conditioned

## Public Domain

The proposal progresses the delivery of the road network proposed as part of the concept plan approval, including:

- Part of NSR-3 (connecting EWR-1 approved as part of DA/1157/2016 with EWR-2 approved as per DA/337/2018)
- Part of NSR-4 (the western footway only)

The public domain drawings have been reviewed by Council's Public Domain team and have been found to be acceptable subject to conditions including further consideration of road layout as the planning proposal for the site to the south develops. Council's traffic engineers are satisfied that the proposed road network would comfortably accommodate traffic generated by the development and would have an acceptable impact on the wider road network including Wharf Road and Victoria Road.

NSR-4 is not to be delivered in full until such time as 8 Wharf Road is redeveloped. At that time it would be the joint responsibility of the applicant and the owner of 8 Wharf Road, to pay for and deliver that road. A condition is included to this effect. The western footway and street lighting of the future NSR-4 is to be provided as part of the subject application to improve pedestrian accessibility and safety around the site. A condition is also included to this effect.

## Dwelling Mix

The proposal includes 13 x 3-bedroom units, representing 5.6% of the total units.

Section 3.4.5 of the Parramatta DCP 2011 sets out the following (emphasis added):



*The following mix is to be used as a guide for residential flat buildings, the residential component of mixed use developments:*

- **3 bedroom 10% - 20%**
- **2 bedroom 60% - 75%**
- **1 bedroom 10% - 20%**

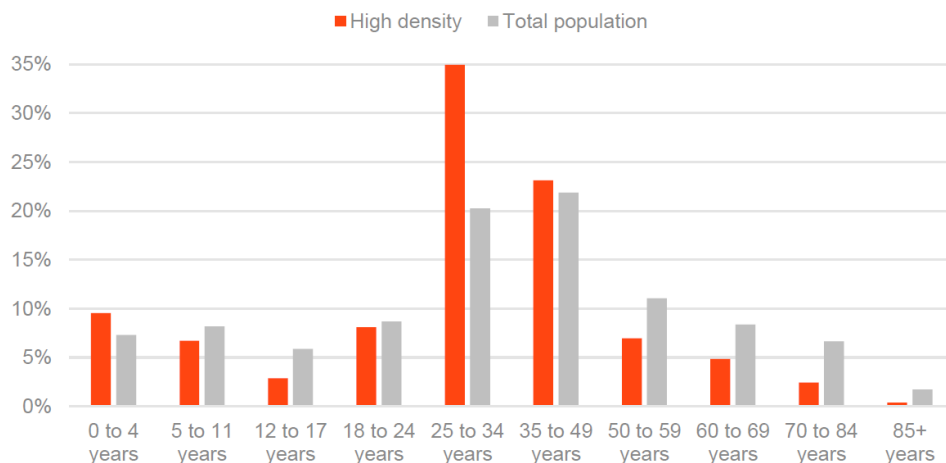
*This mix may be refined having regard to:*

- *the location of the development in relation to public transport, public facilities, employment areas, schools, universities and retail centres;*
- *population trends; and,*
- *whether the development is for the purpose of public housing or the applicant is a community housing or non-profit organisation.*

The control envisages some level of discretion. Council's Social Outcomes are of the view that this discretion is not applicable in this instance, and that a minimum of 10% 3-bedroom units is appropriate in this location, for the following reasons:

- The average household size in Melrose Park has increased from 2.78 in 2011 to 2.84 in 2016. This is above the average household size of 2.72 across the City of Parramatta LGA in 2016, and will drive demand for larger dwellings.
- Although residents of higher density dwellings in the City of Parramatta tend to be younger than the LGA average, there is still a relatively high proportion of babies and children living in higher density dwellings with their families. Additionally, only a limited number of older people are choosing to down-size into smaller apartments, as indicated in the graph compiled by .id below:

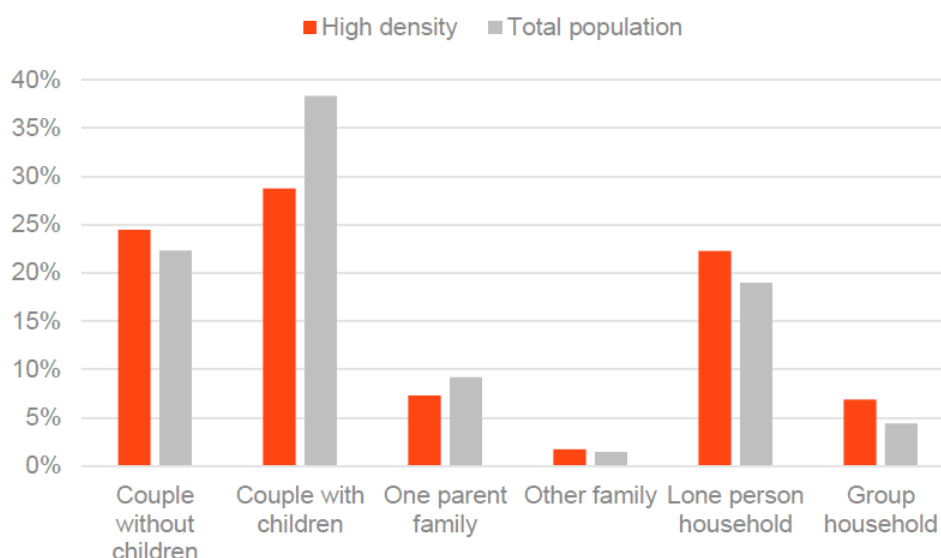
**Age structure of those living in high density housing, 2016**



Source: ABS Census of Population and Housing, 2016

- Although high density households are far less likely to be couples with children (28.7%, compared to 38.3% of all households) there is still a high proportion of households with children living in high density apartments, as seen in the graph below, compiled by .id:

## Household type of those living in high density housing, 2016



Source: ABS Census of Population and Housing, 2016

The applicant has provided the following justification for the proposed proportion of 3-bedroom units:

*The provision of 10% (i.e. 23) 3-bedroom dwellings is unreasonable and is not feasible under current market conditions. This is based on economic analysis undertaken by AEC (provided with the previous submission) which finds that a 10%-20% target is not feasible and that a 5-10% target is more sustainable.*

*There is a lack of demand for 3-bedroom apartments in this location. This is largely due to the suburban location of the [site] and the existing provision of 3-bedroom detached dwellings (in the same price bracket) in surrounding suburbs.*

*The AEC analysis demonstrates that:*

*"...while in theory a 3 bedroom apartment could be suitable for a family household with children, commercial realities dictate that families will select the housing option that not only meets their space requirements but that are also within their financial capability."*

*In this regard, entry level 3-bedroom dwelling houses in Ermington sell for a similar price to off-the plan sale of 3-bedroom apartment in Melrose Park. While there are other factors that influence selection, households generally weigh up the cost-value proposition when making their rental or purchase decision.*

*The AEC analysis also shows that for families in the rental market, a 3-bedroom detached dwelling house is currently cheaper to rent than a 3-bedroom apartment.*

On balance it is considered that the applicant has not provided sufficient justification for the under provision of 3-bedroom units. While larger units may generate less profit this is not considered to be a reason not to provide them. 3-bedroom units may be more expensive to rent purely due to a lack of supply which this application could help resolve.

As outlined under the ADG assessment above, 13 of the proposed studio units are considered to have unacceptable outlooks. A condition is recommended requiring that these units be amalgamated with the adjacent 2-bedroom units and provided as 3-bedroom units.

Subject to this condition the proposal would have a total of 26 x 3-bed units, representing 11.8% of the total units.

## Parking

A comparison of the proposed parking levels to the DCP controls and the approved Stage 1 rates is provided below:

	Occupant	Visitor	Car Share
Required by DCP	255	59	1
Stage 2 (as proposed)	239 (1.02/unit)	30 (0.128/unit)	5 (0.021/unit)
Stage 1 (as approved) rate	1/unit	0.119/unit	0.025/unit
Difference	+0.02/unit	+0.009/unit	-0.004/unit

The proposal is considered to be acceptable for the following reasons:

- The proposal results in an increase in the rate of parking relative to that which was approved for Stage 1.
- The proposal provides more car share parking than required by the DCP.
- The site has good access to high frequency buses during peak periods on Victoria Road.
- Parramatta Light Rail Stage 2, while not yet confirmed, would provide additional public transport.

It is not considered to be appropriate to condition an additional car share space as the provision is already substantially above the requirement.

The conditions relating to amalgamation of units would result in only 3 additional required spaces and as such is not considered to require further consideration of parking.

## 11. Planning Agreements

The subject application is not subject to a planning agreement.

## 12. The Regulations

The recommendation of this report includes conditions to ensure the following provisions of the Regulation would be satisfied:

- Clause 92 - Demolition works are to satisfy AS 2601 - 1991; and
- Clause 98 - Building works are to satisfy the Building Code of Australia.

## 13. The likely impacts of the development

The likely impacts of the development have been considered in this report. Fire safety would be addressed by way of appropriate conditions.

## 14. Site suitability

The subject site and locality are affected by overland flow flooding. Council's engineers have assessed the application and consider the proposal to be satisfactorily designed to minimise risk to human safety and property subject to a deferred commencement condition requiring approval of a proposed stormwater retention basin on the adjoining site to the south.

Suitable contamination investigations and planning has been provided to demonstrate that the site can be made suitable for the proposed development subject to remediation works and subsequent validation.

The proposal is considered to have an acceptable impact on biodiversity and the heritage significance of the adjoining site.

No other natural hazards or site constraints likely to have a significant adverse impact on the proposed development. Accordingly, the site is considered to be suitable for the proposed development subject to the conditions provided within the recommendation to this report.

## **15. Submissions**

The application was notified and advertised in accordance with Appendix 5 of DCP 2011.

The initial advertisement ran for a 21-day period between 10 January and 1 February 2018. One (1) submission was received. Subsequent to receipt of revised drawings the application was re-advertised for a 21-day period between 27 June and 18 July 2018. No further submissions were received. The public submission issues are summarised and commented on as follows:

<b>Issues Raised</b>	<b>Comment</b>
The proposal anticipates that road widening would eventually be necessary on the adjoining site, No. 8 Wharf Road, impeding the future development of that site. Request clarification on party responsible for delivering roads and their timing.	The owner of 8 Wharf Road would only be required to undertake widening of EWR-1 and provide half of NSR-4, if deemed necessary by Council, at such time as they choose to redevelop the site. The owner of 8 Wharf Road benefits from the applicant's provision of more than half of EWR-1 and all of EWR-2. 8 Wharf Road retains a reasonable footprint for future redevelopment.
Request a copy of the engineering masterplan for the precinct	A copy of the civil drawings were provided to the submitter.
Request that residential solar access modelling be provided demonstrating that the adjoining site at No. 8 Wharf Road can achieve required solar access.	The applicant provided a solar study demonstrating that the proposal would have an acceptable impact on the solar access of a future residential development at 8 Wharf Road. A copy of this study was provided to the submitter.

## **16. Public interest**

Subject to implementation of conditions of consent outlined in the recommendation below, no circumstances have been identified to indicate this proposal would be contrary to the public interest.

## **17. Disclosure of Political Donations and Gifts**

No disclosures of any political donations or gifts have been declared by the applicant or any organisation / persons that have made submissions in respect to the proposed development.

## **18. Developer Contributions**

Section 7.12 'Fixed Development Consent Levies' of the Environmental Planning and Assessment Act 1979 allows Council to collect monetary contributions from developers towards the provision, extension or augmentation of public amenities or public services in

accordance with a contributions plan. The Parramatta Development Contributions Plan (Amendment No. 5) requires the payment of a levy equal to 1% of the cost of a development. A detailed Cost Estimate was provided outlining the development cost to be \$83,024,932. This figure is commensurate with the scale of works proposed. As such a monetary contribution of \$830,249.30 is required. A condition of consent has been imposed requiring the contribution to be paid prior to the issue of the relevant Construction Certificates.

## 19. Summary and Conclusion

The application has been assessed against section 4.15 of the Environmental Planning and Assessment Act 1979, taking into consideration all relevant state and local planning controls. While some variations in relation to SEPP 65 and PDCP 2011 are sought, the proposal has, on balance, demonstrated a satisfactory response to the objectives and controls of the applicable planning framework.

Having regard to the assessment of the proposal from a merit perspective, Council officers are satisfied that the development has been responsibly designed and provides for acceptable levels of amenity for future residents. It is considered that the proposal successfully minimises adverse impacts on the amenity of neighbouring properties and does not compromise the redevelopment of adjoining sites. Hence the development, irrespective of the departures noted above, is consistent with the intentions of the relevant planning controls and represents a form of development contemplated by the relevant statutory and non-statutory controls applying to the land.

The proposed development is located within a locality earmarked for high density mixed use redevelopment. The proposal would provide additional housing and public domain in an area currently not accessible to the public.

The proposal is considered to adequately respond to the site constraints subject to conditions of consent.

A deferred commencement condition is included requiring that EWR-2 be granted operational consent as the proposal relies on this road for vehicular access. A deferred commencement condition is also included requiring that a stormwater basin, proposed as part of a separate application, be approved to manage overland flow generated by the proposal.

For these reasons, it is considered that the proposal is satisfactory having regard to the matters of consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979. Deferred commencement consent is recommended.


## 20. Recommendation

- A. **That** the Sydney Central City Planning Panel as the consent authority grant **Deferred Commencement Consent** to Development Application No. DA/1025/2017 for construction of 3 x 7-9 storey residential flat buildings containing 234 residential apartments, 3 basement levels providing 274 car parking spaces, earthworks, landscaping, public domain works including new road, strata subdivision and Torrens title subdivision at 659 Victoria Road, MELROSE PARK NSW (Lot 11 DP128907) for a period of five (5) years from the date on the Notice of Determination subject to the conditions under Schedule 1 of Appendix 2.

## APPENDIX 1 – Design Excellence Advisory Panel Comments 08/02/18

DEAP Comment	Applicant Response
1. Since this is a large-scale development, the Panel recommends that a Pre-Lodgement should have been submitted and discussed with the Design Excellence Advisory Panel in order to have a better and optimal outcome.	Noted.
2. The Panel recommends the applicant provide clear guidelines for the precinct via the preparation of detailed urban design and strategic planning studies. These plans are to be up-dated and clarify the current planning proposal and inform all future developments for the precinct. They are to include, but not limited to: <ul style="list-style-type: none"> <li>a. A clear vision for the precinct,</li> <li>b. Road, pedestrian &amp; cycle hierarchy,</li> <li>c. Park and open space hierarchy</li> <li>d. Public transport intentions,</li> <li>e. Building &amp; basement set-backs / extent</li> <li>f. Land-use including commercial activity, and,</li> <li>g. Public domain core principles.</li> </ul>	Being developed, see latest masterplan.
3. Future sections and elevations are to show the surrounding context. If the adjacent context is undeveloped, then an estimation of that site's potential bulk, height and building separation are to be shown for the time being.	Sections provided.
4. The Panel notes that the proposal is required to reach over the minimum BASIX score, and views the use of photovoltaics on the roof space as a positive addition to the development. The Panel suggested that the applicant also consider active ESD provisions such as rainwater collection and re-cycling.	5,000kL tank proposed as part of BASIX.
5. Overall the Panel was impressed by the consideration for creation of distinctive façade treatments that identify different precincts of this extensive site. However, there are some modifications felt necessary to address issues raised below.	Noted.
6. The Panel raises concern regarding the number of units in certain blocks that are sharing a single lift core, and recommends having a dual lift core to better facilitate occupant movement, and not create inconvenience when a lift breaks down.	Still isolated lift cores with single lift. However, there are no controls which require such an outcome.
7. Of the four proposed lobby entrances to the development, Lift Lobby 1 and 2 have dual access from Boulevard NSR-3 and the communal courtyard, Lift Lobby 3 and 4 are accessed directly from the communal open space. The design and layout of these entrances do not take full advantage of the site's three street frontages, that would significantly improve the street address of the proposal. The Panel does not support the current approach as it reduces the activation of the surrounding public domain. The Panel recommends having direct street entrances for all lobbies that should also include a legible street address.	Lobby 4 does not have direct street address. However, an entry pavilion has been provided at street level to assist in wayfinding.  Lobby 3 has been provided with direct street address.
8. Except for the meeting space in the south-west corner, the proposed ground floor level is entirely residential with no public amenity and minimal scope for activation other than by some very convoluted courtyard elements. The Panel recommends investigation of potential on the north-east corner of the east wing for under-croft convenience retail or a corner shop to replace one unit	Retail not added. However, the concept plan includes retail in the wider precinct.



adjacent a new street connection to lift lobby 4 recommended above.	
9. The Panel felt the submitted landscape plan was sub-optimal and required further resolution, with better amenity for communal open spaces able to be occupied by a variety of different size groups.	The landscape is larger as a result of the modified block layout and a covered garden area has been added. While the convoluted footpaths remain, this is not considered to be sufficient reason to refuse the application and it cannot be improved by way of condition.
10. The communal open space located on the ground floor should provide ease of access for all residents together with provision for good shade, barbeque spaces, casual as well as formal seating, and a universal WC amenity. The location of the WC amenity could be adjacent the communal meeting room that would also benefit from an outdoor terrace to complement social gatherings.	Provided.
11. The Panel was pleased to see the inclusion of both private and communal roof terraces. In the latter case it was recommended these also provide access to universal WC amenities, shade and BBQ facilities.	A WC has not been provided. A condition is included requiring provision of a WC.
12. It was noted that communal access at roof level would allow residents to use alternative lifts if one of those in lift cores 2,3 or 4 was out of action. However, lift core 1, the highest one serving 9 floors, did not benefit from this possibility and the Panel recommended this issue be rectified.	Access to lift core 1 not added. However, they will have access via the ground floor.
<p>13. The driveway entry to the basement carpark is at the termination junction of future EWR-2, creating an unfortunate streetscape element together with a wall for half the south elevation. The Panel recommends shifting the driveway north and incorporating it into the envelope of the building, or otherwise some terracing above adjacent to the community meeting space, with landscaping to soften the impacts. For the former option the possibility should be considered of physical (pedestrian) or otherwise visual connection along the southern boundary from NSR-3 to the future NSR-4 aligning with EWR2. The alignment of the southern façade may need to be adjusted and the setback area landscaped appropriately with pathways etc. The envelope diagram below shows the benefit of reinforcing the street pattern, and increased pedestrian access, permeability, open space etc.</p> 	Due to the introduction of EWR-2, the proposal would have direct access from a street and not require a large external driveway.

<p>14. The east and west facades are relatively long, unrelenting elevations that lack the architectural qualities elsewhere. The Panel recommends breaking up the facades to provide better articulation, and this could be complemented by further lobby entries with more legible definition.</p>	<p>The applicant has provided a mid-block break in the east facade by including a vertical strip of varied material. While the west elevation remains relatively unchanged this is not considered to be sufficient reason to refuse the application and it cannot be improved by way of condition.</p>
<p>15. In relation to detailed design and layout, the Panel recommends that:</p> <ul style="list-style-type: none"> <li>a. HVAC equipment should preferably be grouped within designated screened plant areas or other concealed compartments.</li> <li>b. Wall mounted equipment (e.g. instantaneous gas HW heaters) and associated pipework is concealed into wall cabinets and ducts</li> <li>c. Rainwater downpipes are thoughtfully designed and integrated into the building fabric.</li> <li>d. The above items should be positioned so that they are not visible from common areas or the public domain adjacent to the development.</li> </ul>	<p>HVAC is grouped on the roof.</p> <p>The other recommendations are implemented by conditions of consent.</p>
<p>16. The Panel recommends that annotated 1:20 scale cross-sections and details of all proposed façade types and materials are included with the DA submission and form part of the consent documentation.</p>	<p>These drawings have not been provided. A condition is included requiring these drawings for sign off by Council's city architect prior to CC.</p>